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Department of Energy

Rocky Flats Office

DATE 8-14-92

memorandum

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AUG 07 1992

EG&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

WMED:RJD:7883

Request for EG&G Plan of Action Regarding Wastes Having Hazardous Waste
No. F039 - "Multi-Source Leachate"

J. M. Kersh, Associate General Manager
Environmental and Waste Management
EG&G Rocky Flats, Inc.

Reference: Letter, Potter to Nelson, dated Nov. 15, 1991, Subject: Revision to the
"Newly Identified LDR Waste" Letter - GLP-255-91

EG&G identified the solar pond French Drain Interceptor Trench water as containing
F039 "multi-source leachate" (40CFR261.31) in October 1991, and formally documented
this identification in the attachments to the referenced letter. Because the French Drain
interceptor trench water had been pumped back to the solar ponds, the solar pond water
was identified as a mixture containing F039. The F039 designation is also contained in
the Rocky Flats Plant Comprehensive Treatment and Management Plan prepared by
EG&G and submitted to the U.S. Environmental Protection Agency on June 10, 1992.

The attachment to this memorandum is a brief regulatory review of the F039 rule and is
provided for your information.

Apparently, until very recently, no coordinated effort to determine a course of action
required by the F039 identification was undertaken by EG&G. Over the past month
members of my staff have met with cognizant EG&G Operable Unit 4 (solar ponds)
personnel and Waste Programs staff to discuss the status of actions related to F039 Land
Disposal Restriction (LDR) compliance for interceptor trench water, solar pond contents
and pondcrete. Based upon discussions at these meetings, it appears that the F039 waste
code may apply to other Rocky Flats Plant hazardous wastes or contaminated ground
water.

Your immediate attention to this matter is required to ensure that EG&G will take
appropriate steps and develop a plan of action to address all F039 issues so that wastes
can be minimized, properly treated, and disposed in accordance with the hazardous waste
rules. Key in this regard is the compilation and review of existing analytical data for
affected wastes to determine LDR treatment compliance status and to make
recommendations regarding any additional required analysis pursuant to 40 CFR
268.41&.43.

The results of the data compilation and review and EG&G's recommendations for
Operable Unit 4 should be submitted to this office not later than one week after the date
of this memorandum. In addition, EG&G's plan to address the F039 issues and a
schedule for completion of action items must be submitted to this office not later than
two weeks after the date of this memorandum.

ACTION	Dist.	LTH	ENC
BENJAMIN, A.			
BERMAN, H.S.			
BRADY, J.A.			
BRANCH, D.B.			
CARNIVAL, G.J.			
COPP, R.D.			
CORDOVA, R.C.			
DAVIS, J.G.			
EVERED, J.E.			
FERRERA, D.W.			
GOODWIN, R.			
HANNI, B.J.			
HEALY, T.J.			
HILBIG, J.G.			
IDEKER, E.H.			
KERSH, J.M.	XX		
KIRBY, W.A.			
KRIEG, D.			
KUESTER, A.W.			
LEE, J.M.	XX		
MARX, G.E.			
MORGAN, R.V.			
PIZZUTO, V.M.			
POTTER, G.L.	XX		
SANDLIN, N.B.			
SATTERWHITE, D.G.			
SCHUBERT, A.L.	ACT		
SHEPLER, R.L.			
SULLIVAN, M.T.			
SWANSON, E.R.			
TA, W.N. K.G.			
WILSON, J.M.			
ZANE, J.O.			

CORRESP. CONTROL	x	x
TRAFFIC		

Reviewed for Addressee
Corres. Control RFP

8-11-92

DATE BY

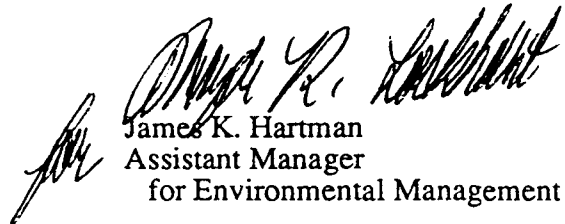
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J. M. Kersh
WMED:RJD:7883

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AUG 07 1992

If you have any questions or comments regarding this memorandum please call Tom Lukow at 966-4561 or John Rampe at 966-6246.


James K. Hartman
Assistant Manager
for Environmental Management

Attachment(s)

cc w/Attachment(s):
R. Di Salvo, WPB, RFO
S. Howard, WOB, RFO
M. Roy, OCC, RFO
R. Tyler, WPB, RFO
S. Surovchak, ERD, RFO
J. Dion, EMB, RFO

cc w/o Attachment(s):
F. Lockhart, ERD, RFO
T. Lukow, WMED, RFO
J. Rampe, WPB, RFO
M. Van Der Puy, EMB, RFO
J. Wienand, WOB, RFO

ATTACHMENT

DATE: July 13, 1992

BY: R. Di Salvo, WPB, RFO x4765

SUBJECT: Regulatory Review of Hazardous Waste Identification No. F039 (Copies of pertinent rules, etc. are attached.)

1. Multi-source leachate was first proposed as a separate waste number, with attendant LDR treatment standards in 54 FR 8264 (Feb. 27, 1989). In the proposed regulation preamble, multi-source leachate is defined as leachate (see 40CFR260.10) derived from the disposal of listed hazardous wastes. This proposed rule stated EPA's intent to schedule this waste in its upcoming "Third-Third" LDR rule making such that it was not immediately subject to the land disposal prohibition, even though it may contain then prohibited wastes, e.g., solvents. Therefore, multi source leachate is a "Third-Third" waste for which the Colorado Department of Health (CDH) does not yet have jurisdiction.

2. As part of the "Third-Third" LDR proposed rule published in 54 FR 48462 (Nov. 22, 1989) multi-source leachate was proposed as a new waste category with the same basic definition as that in the February 27, 1989 proposed rule.

3. In the final "Third-Third" rule published in 55 FR 22684 (June 1, 1990) the F039 waste number in 40CFR261.31(a) was published for the first time (i.e., the specific language in this section did not appear in the proposed rules). This waste number was listed as, "leachate resulting from the treatment, storage or disposal of...(hazardous)...wastes...". This same definition was adopted by CDH in 6CRR1007-3.261.31(a).

4. The F039 waste definition was changed in 55 FR 3877 (Jan. 31, 1991) to clarify that it applied only to leachate from, "land disposed wastes (land disposal having the meaning in RCRA sec. 3004(k))..." according to the preamble at 55 FR 3865. Title 40CFR261.31 (a) was amended to remove the words, "treatment, storage and disposal" so that the F039 definition now reads, "Leachate...resulting from the disposal of...(hazardous)...waste...". The CDH F039 rule has not been changed.

5. The RCRA sec. 3004(k) definition of Land Disposal is different from the regulatory and somewhat narrower definition in 40 CFR 268.2, because the last clause in 268.2 under "Land Disposal" states, "intended for disposal purposes". Note that this clause, "intended for disposal purposes" at the end of the regulatory definition is not in RCRA section 3004(k).

The preamble in 52 FR 25778 (July 8, 1987) makes the reason for the difference clear. The clause only modifies the phrase, "or placement in a concrete vault or bunker...", and does not modify the other types of placements in or on the land. In addition, the preamble for the original proposed land disposal restriction regulations at 51 FR 1607 (Jan. 14, 1986) contains the interpretation of RCRA section 3004(k) which shows that if treatment or storage involves placement of hazardous waste in or on the land (including in surface impoundments) it is land disposal.

6. Note that the CDH definition in 6CRR1007-3 261.31(a), F039 still applies to leachate from treatment, storage and disposal. In conversation with Joan Sowinski, RCRA Program Director, Hazardous Materials and Waste Management Division at CDH, this rule was intended to be identical to the EPA rule and CDH has not scheduled any revision yet. Thus, since EPA has clarified that the original intent of the rule was to apply only to leachate

from, "land disposed wastes (land disposal having the meaning in RCRA sec. 3004(k))..." (55 FR 3865 (Jan. 31, 1991)) it appears that CDH's interpretation of their rule, despite the differing language, would be the same as EPA's. However, this should be formally verified with CDH. This could be explored during a Federal Facility Compliance Agreement (FFCA II) Project Managers Meeting, but should be done prior to CDH receiving "Thirds" LDR authority.